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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

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I. General

1. A detailed account of general conditions and developments relating to Western Sahara was provided in a previous working paper on the Territory prepared by the Secretariat (A/AC.109/2118).

II. Good offices of the Secretary-General

2. Pursuant to General Assembly resolution 52/75 of 10 December 1997, the Secretary-General submitted to the General Assembly at its fifty-third session a report on the question of Western Sahara dated 10 September 1998 (A/53/368). The report reviewed the action taken in 1998 by the Secretary-General in the exercise of his good offices with the parties concerned, in close cooperation with the Chairman of the Organization of African Unity (OAU), the activities of the Special Representative and the Personal Envoy of the Secretary-General and major developments over the last year. Since that report, the Secretary-General, in close cooperation with the current Chairman of OAU, has continued to exercise his good offices with the parties concerned.

3. During the period under review, and pursuant to Council resolutions 1163 (1998) of 17 April 1998, 1185 (1998) of 20 July 1998, 1198 (1998) of 18 September 1998, 1204 (1998) of 30 October 1998, 1215 (1998) of 17 December 1998, 1228 (1999) of 11 February 1999 and 1232 (1999) of 30 March 1999, the Secretary-General presented 10 reports to the Security Council on the situation concerning Western Sahara (S/1998/404, S/1998/534, S/1998/634, S/1998/775, S/1998/849, S/1998/997, S/1998/1160, S/1999/88, S/1999/307 and S/1999/483 and Add.1).

4. Pursuant to resolution 1163 (1998), on 18 May 1998, the Secretary-General submitted an interim report (S/1998/404) to the Security Council, wherein he informed the Council that during the month of April 1998 the pace of the identification process had been much slower than expected, with only two and one half weeks of work accomplished. However, following discussions with the parties, they had agreed to the identification programme for the month of May 1998, which provided for a substantially higher rate of identification, with at times as many as 10 teams operating concurrently in the Territory, the Tindouf area, Morocco and Mauritania. The Government of Morocco undertook to provide additional support to the identification operation in the form of air transportation for its observers and sheikhs between Laayoune and locations in Morocco. However, Morocco refused to participate in the identification of 603 individuals belonging to tribal groups H41, H61 and J51/52, listed in the 1974 census and living in the Tindouf area and Mauritania, whom the Frente POLISARIO had asked MINURSO to include in the May 1998 identification programme on the grounds that according to the Houston agreements, those individuals were entitled to be convoked for identification.

5. As of 11 May 1998, a total of 111,244 persons had been identified, with fewer than 50,000 applicants from "non-contested" tribes, whose identification the Identification Commission expected to complete by the end of August 1998 with both parties' full cooperation, remaining to be convoked. However, ways of dealing with the 65,000 applicants from groups H41, H61 and J51/52 had yet to be found. The Secretary-General informed the Security Council that his Special Representative was consulting with the two parties in the search for possible solutions to that outstanding issue by the end of June 1998. However, both sides maintained their respective positions with regard to the three groups. He urged both sides to cooperate in the search for appropriate solutions with a view to enabling the successful and timely completion of the identification process.

6. The Secretary-General further informed the Council that in the meantime, progress had been made towards the deployment of the engineering unit and the start of its demining activities. The Office of the United Nations High Commissioner for Refugees (UNHCR) had also advanced its preparatory work for the repatriation of Saharan refugees eligible to vote and their immediate families.

7. On 18 June 1998, the Secretary-General submitted to the Security Council a further report (S/1998/534) requested in its resolution 1163 (1998), in which he informed the Council that during the month of May 1998 the rate of identification had increased substantially, with a total of 13,811 applicants identified during that month. As of 14 June 1998, a total of 127,472 persons had been identified. By that date, some 20,000 applicants from tribes other than H41, H61 and J51/52 remained to be convoked, and, provided that both sides agreed to the July 1998 identification programme and continued to cooperate fully, the identification of those applicants should be completed by end of August 1998. The positions of the parties with regard to the identification of applicants from the three contested tribal groups remained a source of major concern, and both parties were urged to cooperate with the Special Representative in his search for an appropriate solution.

Once the Special Representative had concluded his consultations, he would submit his assessment, together with recommendations on what measures could be taken by the United Nations to move the process forward.

8. In his report, the Secretary-General further informed the Council that the preparations for the deployment of the military engineering unit from Pakistan and a demining unit from Sweden had continued, but had encountered some logistical difficulties involving the free and timely provision of accommodation sites for the units and clearance to enter Moroccan airspace and land at Laayoune. Clearance had finally been received to land at Laayoune, and MINURSO expected to resolve the accommodation problem with the Government of Morocco.

9. An additional problem with respect to the deployment of the military had involved the decision by the Moroccan authorities to store in depots of the Royal Armed Forces all weapons, ammunition and explosives of the MINURSO military units. The United Nations, after discussing the issue with the Permanent Representative of Morocco to the United Nations, requested that, pending the conclusion of the status-of-forces agreement, the Government of Morocco confirm, as soon as possible, that the Mission's formed military units might carry their weapons and keep custody of their ammunition at their own sites, in accordance with established practice for all United Nations peacekeeping operations. Pending the resolution of that issue, the deployment of the military units was postponed. The Secretary-General also informed the Council that the status-of-forces agreements, which had already been submitted to Morocco, Algeria and Mauritania, had not yet been concluded, although the Moroccan authorities had indicated that they were reviewing theirs.

10. With respect to UNHCR, the Secretary-General urged that its presence in the Territory be formalized without further delay so that it could undertake, in close cooperation with MINURSO, its work aimed at enhancing the confidence of refugees so that they could return under conditions of safety and dignity, as provided for in the settlement plan.

11. Expressing hope that in his next report he would be in a position to present a revised schedule for the start of the transitional period, the Secretary-General concluded by urging both parties to cooperate with his Special Representative so that an effective plan and a realistic schedule could be agreed upon for the final phase of the referendum.

12. In his report submitted to the Security Council on 10 July 1998 (S/1998/634), the Secretary-General informed the Council that, although the issue of how to proceed with the identification of members of tribal groupings H41, H61 and J51/52 was still impeding the completion of the identification process, the pace of the identification of other applicants had increased substantially during the months of June and July 1998. If that pace were sustained, MINURSO would be able to complete the identification by the end of August 1998.

13. With respect to the work of UNHCR in repatriating Saharan refugees, the Secretary-General pointed out the importance of formalizing the agency's presence in the Territory, and in that respect he noted with satisfaction the readiness of Morocco to cooperate with UNHCR. Meanwhile, UNHCR was continuing with preregistration activities both in the refugee camps and in Mauritania.

14. Another development during the reporting period had been the decision by Morocco to limit the use of MINURSO aircraft to MINURSO personnel exclusively, particularly on flights between Laayoune and Tindouf. On 30 June 1998, his Special Representative addressed a letter to the Government of Morocco stressing that visits by diplomats, staff of non-governmental organizations and journalists contributed to the conduct of the Mission's activities and to the transparency of the process. The Secretary-General pointed out in his report that such restrictions were not in line with the practices in United Nations peacekeeping operations, and could have a negative public relations impact on the peace process.

15. The Secretary-General informed the Council that both the Pakistani and Swedish engineering units for the demining had arrived in the region, and had started preliminary work. However, they would not be fully operational until the arrival of their weapons and equipment. In that respect, consultations between MINURSO and the Moroccan authorities were expected. Regarding the draft status-of-forces agreements already submitted to Morocco, Algeria and Mauritania, he informed the Council that while Algeria and Mauritania had already responded, Morocco had yet to do so. He hoped that all status-of-forces agreements would be concluded without any further delay.

16. Concluding his report, the Secretary-General reminded the Council of his intention, expressed in his report of 13 April 1998 (S/1998/316), to submit recommendations for a revised timetable for the full implementation of the settlement plan if, by the end of June 1998, sufficient progress had been made in the identification process and in the search for a solution to the contentious issue of tribal groupings H41, H61 and J51/52. However, in view of the developments, he was asking his Personal Envoy to consider engaging the parties in seeking a solution to the problem of

identifying those tribal groupings and to other issues bearing upon the implementation of the settlement plan. The Personal Envoy's assessment would influence the Secretary-General's conclusions on the continued viability of the mandate of MINURSO. Recommending that the mandate be extended until 21 September 1998, the Secretary-General informed the Council that he intended to submit his next report by 15 September 1998.

17. In his report of 18 August 1998 (S/1998/775), the Secretary-General informed the Council that while there were excellent prospects for completing the identification process by the end of August 1998, the parties' views on the identification of tribal groupings H41, H61 and J51/52 had remained irreconcilable. Following a meeting held at Geneva between UNHCR and a Moroccan delegation on the formalization of the agency's presence in the Territory, UNHCR was awaiting confirmation from the Moroccan authorities about the undertaking of a joint mission to give effect to the formalization. The Independent Jurist for Western Sahara was scheduled to visit the mission area in late August 1998 in order to follow up with both parties on matters concerning presumed political prisoners and detainees, and to consult with the Special Representative on issues pertaining to his mandate.

18. Following an agreement signed in late July 1998 between MINURSO and the Moroccan authorities that provided guidelines for the handling of weapons, ammunition and explosives by the MINURSO engineering support and demining units, the Pakistani and Swedish engineering units had been able to receive their weapons, ammunition and equipment. However, communications equipment for MINURSO had been held up for two months at Laayoune airport, in contradiction of the privileges and immunities traditionally granted by host countries to United Nations peacekeeping operations. Notwithstanding the conclusion of the military agreement, that delay had been an additional impediment to the start of the actual work of demining by the Swedish engineering unit, whose tasks were envisaged to be completed by early October 1998. With regard to status-of-forces agreements, the Secretariat had submitted its observations on the comments received by Algeria and Mauritania, while the response of Morocco was still awaited.

19. The Secretary-General further informed the Council that his Personal Envoy was considering contacts with the parties in early September 1998, following which he would assess the implementability of the settlement plan in its present form and examine whether there might be adjustments acceptable to the parties, that would significantly improve the chances of implementing it. Failing that, he would advise the Secretary-General on possible avenues to be pursued. Such an assessment would influence the Secretary-General's conclusions on the continued viability of the mandate of MINURSO and the related recommendations that he would make to the Council in mid-September 1998, before the expiration of the Mission's mandate.

20. In his report of 11 September 1998 (S/1998/849), the Secretary-General informed the Council that the identification of all applicants from tribes other than the H41, H61 and J51/52 tribal groupings was drawing to a close, with a total of 147,350 applicants having been interviewed by the Identification Commission, including 60,112 during the first phase of the process from August 1994 to December 1995 and 87,238 since its resumption on 3 December 1997. During September 1998, the Identification Commission would continue the review of identification files with a view to finalizing the provisional voters list.

21. The MINURSO formed military units had deployed the remainder of their personnel and equipment. The engineering unit from Pakistan had continued with construction work for logistical and accommodation purposes, while the demining unit from Sweden was proceeding with the demining of those areas needed for the future deployment of United Nations civilian and military personnel. Demining of sites for the repatriation of refugees eligible to vote and their immediate families, as well as other Saharans resident outside the Territory, had also started. However, demining could not be completed until arrangements for the implementation of the repatriation programme had been finalized between MINURSO and the two parties.

22. UNHCR had continued with its preparatory work for the repatriation of Saharan refugees. A UNHCR mission had visited Laayoune from 26 August to 4 September 1998 to continue discussions with the Special Representative on a number of issues for coordination purposes. However, despite Morocco's decision to formalize the presence of UNHCR and allow it free access in the Territory, UNHCR was still awaiting the designation of technical counterparts to undertake a joint mission to the Territory. The Secretary-General expressed concern about the lack of concrete action to allow UNHCR to carry out its work in the Territory.

23. The Secretary-General further informed the Council that the Independent Jurist for Western Sahara, Emmanuel Roucounas, had visited the mission area during the last week of August 1998, where he met with the POLISARIO Coordinator with MINURSO at Tindouf and received a new list of Saharans alleged to be detained by Morocco for

political reasons. He then met with Moroccan officials at Rabat and informed them of the new list, which was subsequently transmitted to them by the Special Representative. With regard to the list of presumed political prisoners and detainees submitted to Morocco in January 1997, the Moroccan authorities informed the Independent Jurist that they had no further specific information on individual cases. However, the Independent Jurist had been assured that Morocco would cooperate in those matters in accordance with the settlement plan, and in greater detail within the framework of the transitional period.

24. While expressing satisfaction that the identification of over 147,000 applicants had been completed, the Secretary-General expressed concern that the question of the identification of applicants from the three tribal groupings remained outstanding. He welcomed the decision of the Governments of Algeria and Mauritania to sign the status-of-forces agreement, and expressed hope that the agreement with the Government of Morocco might be concluded promptly after the Secretariat had completed its review of Morocco's reply.

25. The Secretary-General noted that his Personal Envoy was pursuing contacts with the parties to assess the implementability of the settlement plan in its present form or whether there might be adjustments to it, acceptable to the parties, that would improve the chances of implementing it. He added that if his Personal Envoy concluded that even with such adjustments the plan could not be carried out, he would advise on other courses of action that could be pursued. In order to allow for Mr. Baker's consultations with the two parties, envisaged for late September 1998 or early October 1998, and for an assessment of the situation thereafter, the Secretary-General recommended an extension of the MINURSO mandate until 31 October 1998.

26. In his report of 26 October 1998 (S/1998/997), the Secretary-General indicated that his Special Representative and his Personal Envoy had pursued contacts with the Government of Morocco and the Frente POLISARIO. Regarding the issue of tribal groupings H41, H61 and J51/52, the Secretary-General had decided to present his own arbitration in order to move ahead on the issue. He noted that his proposals were fully in keeping with the provisions of the settlement plan.

27. In order to avoid taking an arbitrary decision that might lead to the exclusion of persons eligible to vote, having regard to respect for that democratic principle, the Secretary-General stated that he saw no other alternative than to ask the Identification Commission to proceed to consider requests from any applicants from the tribal groupings in question who wished to present themselves individually, in order to verify whether they had the right to vote. The Secretary-General also indicated that it seemed advisable to launch the phase of the appeals process simultaneously so as not to postpone the referendum too long, in keeping with the wishes publicly expressed by the two parties.

28. Further, he indicated it was important that the Government of Morocco, the Frente POLISARIO and the Governments of Algeria and Mauritania grant the United Nations, particularly UNHCR, all necessary facilities and guarantees to enable them to prepare for the refugees' return in an optimum manner. He therefore indicated that the presence and establishment of UNHCR in the Territory should be formalized.

29. Finally, the Secretary-General reported that he had submitted various texts to the Government of Morocco, the Frente POLISARIO and the Governments of Algeria and Mauritania for their consideration, including the outstanding draft status-of-forces agreements and the protocols on the identification of applicants from tribal groupings H41, H61 and J51/52 who wish to present themselves, and concerning the appeals process and preparations for the repatriation of refugees and other Saharans.

30. By a letter dated 20 November 1998, the Moroccan Minister for Foreign Affairs and Cooperation transmitted to the Secretary-General a memorandum containing his Government's formal response to the draft protocols. The memorandum confirmed the questions and concerns of the Moroccan authorities regarding the proposed package and expressed the view that the principles of self-determination, cooperation and impartiality upon which the settlement plan was based appeared to be called into question. In this regard, the memorandum questioned the simultaneous initiation of the identification of the remaining applicants from tribal groupings H41, H61 and J51/52 and the appeals process for applicants already identified, and voiced concerns about several aspects of the modalities for the identification of the three tribal groupings and the appeals procedures. It requested clarifications with respect to the timing of the next steps in the implementation of the settlement plan and proposed that the UNHCR mission in Western Sahara be the subject of an agreement to be negotiated between Morocco and UNHCR.

31. In his report of 11 December 1998 (S/1998/1160), the Secretary-General indicated that during his visit to the region, he was warmly received by the parties and had most useful meetings with them, and in Algeria and Mauritania, all of which reiterated their commitment to the settlement

process. However, while the package was formally accepted by the Frente POLISARIO and received the full support of Algeria and Mauritania, the initial concerns expressed by the Government of Morocco were reiterated in the memorandum of 20 November 1998. In view of the concerns expressed by Morocco, the Secretary-General wished to confirm that the proposed measures would entitle all applicants both to an initial identification hearing and to be part of a just and comprehensive process of appeals.

32. The Secretary-General expressed hope that the draft protocol could be agreed upon and signed by Morocco and the Frente POLISARIO, and by Algeria and Mauritania, on the occasion of a visit of the United Nations High Commissioner for Refugees to the region early in 1999. He also indicated that pre-registration activities in the refugee camps should resume without further delay.

33. In a reply to Minister Filali dated 13 January 1999, the Secretary-General sought to address the concerns of the Moroccan authorities regarding several key elements of the proposed package, and to provide clarification of all the points raised in Minister Filali's memorandum. He also indicated that his Special Representative, the Chairman of the Identification Commission and the Office of the United Nations High Commissioner for Refugees would remain in close contact with the two parties in order to finalize the draft protocols.

34. In his report of 28 January 1999 (S/1999/88), the Secretary-General noted that the Government of Morocco had decided to engage in detailed discussions with the Special Representative and the Chairman of the Identification Commission on the voter identification and appeals protocols. Those consultations began in late December 1998 and intensified in mid-January 1999. During the meetings, MINURSO provided extensive clarifications to the Moroccan delegation. In light of those clarifications, the Moroccan delegation indicated that its Government intended to propose, in writing, specific amendments to the texts of the protocols, which it believed would enable it to accept the package of measures. It would be the intention of MINURSO to comment on Morocco's proposed amendments and to inform the Frente POLISARIO of the outcome of those discussions.

35. The Secretary-General further informed the Council that he welcomed the decision of the Government of Morocco to formalize the status of UNHCR in the Territory. He indicated that it was imperative for the preparatory work for the return of the refugees eligible to vote in the referendum, together with their immediate families, to begin as soon as possible.

36. On 22 March 1999, the Permanent Representative of Morocco communicated in writing to the United Nations that his Government accepted, in principle, the proposed package on the understanding that certain amendments would be incorporated in the identification and appeals protocols and that operational directives, together with a revised timetable, would be provided by MINURSO to the parties.

37. In his report to the Security Council on 22 March 1999 (S/1999/307), the Secretary-General indicated that the identification and appeals protocols would be adjusted in order to take into account necessary revisions. Operational directives were also being prepared by the Identification Commission to ensure the transparency and common understanding of its work and of the identification and appeals procedures. The Secretary-General expressed his hope that, once discussed and reviewed with the two parties, the revised protocols and operational directives would receive their prompt concurrence.

38. With respect to the military aspects of the work of MINURSO, the Secretary-General welcomed the signature by the Government of Morocco and the MINURSO Force Commander of the agreement on mines and unexploded ordnance. He indicated that MINURSO was engaged in efforts to reach a similar agreement with the Frente POLISARIO, so that the danger to the civilian population represented by the mines and ordnance could be reduced and eventually eliminated.

39. He further informed the Council that progress had been made by UNHCR in establishing itself in the Territory and in preparing the ground for the start of substantive work that would enable it to complete its preparatory work and maintain its efforts towards preparedness for the repatriation of Saharan refugees. The Secretary-General also called upon the Frente POLISARIO to allow the resumption of the work of pre-registration of refugees living in the Tindouf camps.

40. Finally, the Secretary-General reported that in the light of the resignation of his Special Representative, he had designated Robin Kinloch, Chairman of the Identification Commission, as Acting Special Representative.

41. As indicated in his report of 27 April 1999 (S/1999/483), the Secretary-General expected that the Government of Morocco and the Frente POLISARIO would shortly convey to him their formal positions on the protocols and operational directives, which provided for the resumption of the identification process on 1 June 1999 and the start of the appeals process on 1 July 1999. He expressed his satisfaction that, as required by the Security Council, these arrangements proposed by the United Nations were consistent with, and maintained the integrity of, the package

of proposals which he had presented in October 1998, and that the identification and appeals processes could be completed by November 1999 and February 2000, respectively.

42. The Secretary-General also indicated that he was encouraged by the progress made by UNHCR in its discussions with the Government of Morocco on its preparatory activities for the return of refugees to the Territory. He expressed his trust that the Frente POLISARIO would extend its cooperation with UNHCR to enable it to resume its pre-registration exercise in the two remaining camps at Tindouf.

43. He further reported that consultations between UNHCR and Morocco had led to formal arrangements for the installation of UNHCR in the Territory. UNHCR had also begun consultations with Morocco on the finalization of the protocol governing planning for refugee repatriation, and it would shortly do so with the Frente POLISARIO. In addition, the Secretary-General welcomed the military agreements reached between MINURSO and the two parties on the demarcation of mines and unexploded ordnance, and noted with satisfaction that both sides had started to implement the agreements, in cooperation with MINURSO.

44. Finally, the Secretary-General reported that the revised outline calendar for the referendum process incorporated MINURSO estimates for the completion of the identification and appeals processes in November 1999 and February 2000, and the beginning of the transition period in February 2000, leading to the referendum campaign in June–July 2000 and the referendum itself at the end of July 2000. He cautioned, however, that the timely implementation of this calendar was predicated upon many critical assumptions.

45. In a letter dated 28 April 1999 (S/1999/555), Mr. Abdelaziz, Secretary-General of the Frente POLISARIO, informed the Secretary-General that the Frente POLISARIO formally accepted the latest version of the Secretary-General's proposals, on the understanding that the appeal and identification operations for the disputed tribal groupings (H41, H61 and J51/52) would be carried out under conditions of exemplary strictness, transparency and fairness, and that the Identification Commission would continue to carry out its mission demonstrating its authority, independence and impartiality.

46. In a letter dated 7 May 1999 (S/1999/554), Mr. Benaissa, Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco, informed the Secretary-General of Morocco's agreement to the timetable as well as the measures proposed by the Secretary-General.

47. On 13 May, 1999 (S/1999/483/Add.1), the Secretary-General submitted to the Security Council the texts of the five documents that had been transmitted to the two parties, namely, the protocol on the identification of the remaining individual applications from candidates belonging to tribal groupings H41, H61 and J51/52; operational directives for the identification of the remaining individual applications from candidates belonging to tribal groupings H41, H61 and J51/52; the appeals process for the referendum in Western Sahara; operational directives for the implementation of the appeals process; and time-frame for the implementation of the settlement plan. The Secretary-General also brought to the attention of the Council the letters from the Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco and from the Secretary-General of the Frente POLISARIO, which informed him of their respective official positions concerning the modalities proposed in the documents in question. The Secretary-General reported that, on this basis, he intended to carry out the necessary preparatory work for the resumption of the identification operation on 15 June 1999 and the beginning of the appeals process on 15 July 1999.

III. Consideration by the Security Council

48. The Security Council considered the reports of the Secretary-General (S/1998/404, S/1998/534, S/1998/634, S/1998/775, S/1998/849, S/1998/997, S/1998/1160, S/1999/88, S/1999/307 and S/1999/483 and Add.1) and took the following action.

49. On 17 April 1998, at its 3873rd meeting, the Security Council adopted resolution 1163 (1998), the operative part of which reads:

> "1. *Decides* to extend the mandate of MINURSO until 20 July 1998, in order that MINURSO may proceed with its identification tasks, with the aim of completing the process;
>
> "2. *Calls upon* the parties to cooperate constructively with the United Nations, the Special Representative of the Secretary-General and the Identification Commission established pursuant to the settlement plan in order to complete the identification of voters phase of the settlement plan and the agreements reached for its implementation;
>
> "3. *Notes* the continuing deployment of the engineering units required for demining activities and of the administrative staff required to support the

deployment of military personnel as proposed in annex II to the report of the Secretary-General of 13 November 1997 (S/1997/882), as further described in the recommendations of the report of the Secretary-General of 13 April 1998;

"4. *Expresses again* its intention to consider positively the request for the remaining additional military and police assets for MINURSO as proposed in annex II to the report of the Secretary-General of 13 November 1997, as soon as the Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

"5. *Calls on* the Governments of Morocco, Algeria and Mauritania to conclude respective status-of-forces agreements with the Secretary-General, and *recalls* that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990 (A/45/594), as provided for in General Assembly resolution 52/12 B, should apply provisionally;

"6. *Requests* the Secretary-General to report to the Council every 30 days from the date of extension of the mandate of MINURSO on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments in the interim period, and, as appropriate, on the continuing viability of the mandate of MINURSO;

"7. *Decides* to remain seized of the matter."

50. On 20 July 1998, at its 3910th meeting, the Security Council adopted resolution 1185 (1998), the operative part of which reads:

"1. *Decides* to extend the mandate of MINURSO until 21 September 1998, in order that MINURSO may proceed with its identification tasks, with the aim of completing the process;

"2. *Welcomes*, in line with the report of the Secretary-General, engagement by his Personal Envoy with the parties to seek a solution to those issues bearing upon implementation of the settlement plan;

"3. *Calls upon* the parties to cooperate constructively with the United Nations, the Personal Envoy of the Secretary-General, the Special Representative of the Secretary-General and the Identification Commission established pursuant to the settlement plan in order to complete the identification of voters phase of the settlement plan and the agreements reached for its implementation;

"4. *Notes with satisfaction* the expressed readiness of the Moroccan Government to cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR) in order to formalize the presence of UNHCR in Western Sahara, according to the settlement plan;

"5. *Notes* the continuing deployment of the engineering units required for demining activities and of the administrative staff required to support the deployment of military personnel as proposed in annex II of the report of the Secretary-General of 13 November 1997 (S/1997/882), as further described in the recommendations of the report of the Secretary-General of 13 April 1998 (S/1998/316);

"6. *Expresses again* its intention to consider positively the request for the remaining additional military and police assets for MINURSO as proposed in annex II of the report of the Secretary-General of 13 November 1997, as soon as the Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

"7. *Calls* for a prompt conclusion of status-of-forces agreements with the Secretary-General which would greatly facilitate the full and timely deployment of MINURSO-formed military units, in particular the deployment of the military engineering support and demining units, and in this context *notes* progress that has been made, and *recalls* that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990 (A/45/594), as provided for in General Assembly resolution 52/12 B, should apply provisionally;

"8. *Calls* for the lifting of any restrictions imposed on MINURSO aircraft, or on passengers whose travel MINURSO determines to be of assistance to the fulfilment of the mandate, in line with the practice of United Nations peacekeeping operations, and *notes* that discussions are being held to this end;

"9. *Requests* the Secretary-General to report to the Council every 30 days from the date of extension of the mandate of MINURSO on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments in the interim period, and,

as appropriate, on the continuing viability of the mandate of MINURSO;

"10. *Decides* to remain seized of the matter."

51. On 18 September 1998, at its 3929th meeting, the Security Council adopted resolution 1198 (1998), the operative part of which reads:

"1. *Decides* to extend the mandate of MINURSO until 31 October 1998;

"2. *Welcomes*, in line with paragraph 23 of the report of the Secretary-General, engagement of his Personal Envoy with the parties to seek a solution to those issues bearing upon implementation of the settlement plan;

"3. *Welcomes also* the agreement of the Moroccan authorities to formalize the presence of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Western Sahara, and *requests* both parties to take concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

"4. *Calls* for a prompt conclusion of status-of-forces agreements with the Secretary-General which would greatly facilitate the full and timely deployment of MINURSO-formed military units, and in this context *notes* new progress that has been made, and *recalls* that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990 (A/45/594), as provided for in General Assembly resolution 52/12 B, should apply provisionally;

"5. *Requests* the Secretary-General to report to the Council 30 days from the date of extension of the mandate of MINURSO on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments and, as appropriate, on the continuing viability of the mandate of MINURSO;

"6. *Decides* to remain seized of the matter."

52. On 30 October 1998, at its 3938th meeting, the Security Council adopted resolution 1204 (1998), the operative part of which reads:

"1. *Decides* to extend the mandate of MINURSO until 17 December 1998;

"2. *Welcomes* paragraph 4 of the report of the Secretary-General, regarding the protocol relating to the identification of those presenting themselves individually from tribes H41, H61 and J51/52, the protocol relating to the appeals process, the memorandum pertaining to the activities of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the region and an outline of the next stages of the settlement plan, and *calls on* the parties to agree to this package of measures by mid-November 1998 in order to allow positive consideration of further stages in the settlement process;

"3. *Notes* the intention of UNHCR to forward to the parties soon a protocol relating to the repatriation of refugees, and supports efforts in this regard;

"4. *Welcomes also* the agreement of the Moroccan authorities to formalize the presence of UNHCR in Western Sahara, and the agreement of the Frente POLISARIO to resume pre-registration activities in the refugee camps, and *requests* both parties to take concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote and their immediate families, according to the settlement plan;

"5. *Notes with regret* the constraints on the operational capability of the MINURSO engineering support unit, *calls* for a prompt conclusion of status-of-forces agreements with the Secretary-General which is an indispensable prerequisite for the full and timely deployment of MINURSO-formed military units, and *recalls* that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990 (A/45/594), as provided for in General Assembly resolution 52/12 B, should apply provisionally;

"6. *Supports* the intention of MINURSO to start publishing the provisional list of voters by 1 December 1998, as proposed by the Secretary-General, and *supports also* the proposed increase in staff of the Identification Commission, from 18 to 25 members, and the increase also in the necessary support personnel, in order to strengthen the Commission and enable it to continue working with utmost rigour and impartiality with a view to keeping to the proposed timetable;

"7. *Requests* the Secretary-General to report to the Council by 11 December 1998 on the implementation of the present resolution and on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments and, as appropriate, on the continuing viability of the mandate of MINURSO;

"8. *Decides* to remain seized of the matter."

53. On 17 December 1998, at its 3956th meeting, the Security Council adopted resolution 1215 (1998), the operative part of which reads:

"1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 January 1999 to allow for further consultations in the hope that those consultations will lead to agreement on the various protocols without undermining the integrity of the Secretary-General's proposed package or calling into question its main elements;

"2. *Notes*, in this regard, that the implementation of the Secretary-General's proposal to launch simultaneously the identification and appeals processes could clearly demonstrate the willingness of the parties to accelerate the referendum process, in accordance with the wishes they have publicly expressed in recent months;

"3. *Calls upon* the parties and the interested States to sign as soon as possible the proposed refugee repatriation protocol with the Office of the United Nations High Commissioner for Refugees (UNHCR), *urges* the Government of Morocco to formalize the presence of UNHCR in the Territory, and *requests* both parties to take concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

"4. *Urges* the Government of Morocco promptly to sign a status-of-forces agreement with the Secretary-General as an indispensable condition for the full and timely deployment of MINURSO-formed military units, and *recalls* that pending the conclusion of such agreement, the model status-of-forces agreement dated 9 October 1990 (A/45/594), as provided for in General Assembly resolution 52/12 B, should apply provisionally;

"5. *Notes* that the contracts of the majority of the Identification Commission staff will expire by the end of December 1998, and that future extensions will depend on the prospects for resuming the identification work in the immediate future and on the decisions the Security Council will take concerning the mandate of MINURSO;

"6. *Requests* the Secretary-General to report to the Council by 22 January 1999 on the implementation of this resolution and on the progress in the implementation of the settlement plan and the agreements reached between the parties, and *further requests* him to keep the Council regularly informed of all significant developments, including, as appropriate, a reassessment by the Personal Envoy of the Secretary-General of the continuing viability of the mandate of MINURSO;

"7. *Decides* to remain seized of the matter."

54. On 11 February 1999, at its 3976th meeting, the Security Council adopted resolution 1228 (1999), the operative part of which reads:

"1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 March 1999 to allow for consultations in the hope and expectation of agreement on the protocols on identification, appeals and repatriation planning activities, as well as on the essential issue of the implementation calendar, without undermining the integrity of the Secretary-General's proposed package or calling into question its main elements, for the prompt resumption of voter identification and initiation of the appeals process;

"2. *Requests* both parties to take concrete action to enable the Office of the United Nations High Commissioner for Refugees to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

"3. *Requests* the Secretary-General to report to the Council by 22 March 1999 on the implementation of the present resolution;

"4. *Supports* the intention of the Secretary-General to ask his Personal Envoy to reassess the viability of the mandate of MINURSO should the prospects for putting the package of measures into effect remain elusive at the time of submission of the Secretary-General's next report;

"5. *Decides* to remain seized of the matter."

55. On 30 March 1999, at its 3990th meeting, the Security Council adopted resolution 1232 (1999), the operative part of which reads:

"1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 1999 to allow for an understanding to be reached among all concerned on detailed modalities for the implementation of the identification and appeals protocols, including a revised implementation schedule, in a manner that would preserve the integrity of the Secretary-General's package of measures;

"2. *Requests* both parties to move ahead with the necessary discussions to reach an agreement on the refugee repatriation protocol, so that all aspects of the work needed to prepare the way for the repatriation of refugees may begin, including confidence-building measures, and in that regard *welcomes* the decision of the Frente POLISARIO to allow the resumption of pre-registration activities of the Office of the United Nations High Commissioner for Refugees in Tindouf;

"3. *Welcomes* the signature, by the Government of Morocco and the MINURSO Force Commander, of the agreement on mines and unexploded ordnance mentioned in paragraph 13 of the report of the Secretary-General, and *urges* the Frente POLISARIO to engage in a similar effort;

"4. *Requests* the Secretary-General to report to the Council by 23 April 1999 on the implementation of the present resolution;

"5. *Decides* to remain seized of the matter."

56. On 14 May 1999, at its 4002nd meeting, the Security Council adopted resolution 1238 (1999), the operative part of which reads:

"1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 14 September 1999 in order to resume the identification process, start the appeals process and conclude all outstanding agreements needed to implement the settlement plan, and *reaffirms* the rights of the applicants, with an expectation that the appeals process will not be turned into a second round of identification;

"2. *Supports* the proposed increase in staff of the Identification Commission from 25 to 30 members, and the proposed increase also in the necessary support activities, in order to strengthen the Commission and enable it to continue working with full authority and independence, in accordance with its mandate as authorized by the Security Council, and to accomplish its tasks expeditiously;

"3. *Requests* the Secretary-General to report every 45 days on significant developments in the implementation of the settlement plan, in particular on the following issues, which will form, *inter alia*, the basis for its consideration of a further extension of the mandate of MINURSO: full and unequivocal cooperation of the parties during the resumption of voter identification and during the start of the appeals process; agreement by the Government of Morocco on the modalities of implementing paragraph 42 of the status-of-forces agreement; agreement of the parties on the protocol relating to refugees; and confirmation that the Office of the United Nations High Commissioner for Refugees (UNHCR) is fully operational in the region;

"4. *Requests also* UNHCR to provide the Security Council with recommendations for confidence-building measures and timelines for their implementation;

"5. *Requests further* the Secretary-General to submit to the Council a revised timetable and financial implications for the holding of the referendum for the self-determination of the people of the Western Sahara in accordance with the settlement plan and the agreements with the parties for its implementation;

"6. *Decides* to remain seized of the matter."

IV. Consideration by the General Assembly

57. At the fifty-third session of the General Assembly, reference was made to the question of Western Sahara by a number of representatives in their statements during the general debate.

58. At the 3rd meeting of the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly, on 5 October 1998, the Permanent Representative of Algeria said, regarding Western Sahara, that the Houston agreement had put back on track a process which had gradually been sidetracked. The merit for that achievement fell to the Secretary-General and to his Special Representative. However, there remained serious difficulties and challenges to be overcome. Those difficulties and

challenges had been reported regularly to the Security Council by the Secretary-General.

59. He added that the General Assembly, which had been fully committed to resolving the Western Sahara issue, should be fully attentive in this crucial phase and should display vigilance to ensure respect by each of the parties of its obligations. The fair, impartial holding of a self-determination referendum was essential in order to avoid damaging and derailing the entire process in such a way that it could never be resumed.

60. The Chairman informed delegations that he had received communications containing requests for hearings concerning Western Sahara. The Permanent Representative of Morocco wondered what link the petitioners in question, apart from those of Saharan origin, claimed that would qualify them to speak on Western Sahara, which was the only Territory for which the Committee accepted petitioners. The Committee decided to continue consideration of the question of Western Sahara at its next meeting.

61. At the 4th meeting of the Committee, on 7 October 1998, the representative of Morocco stated that, unfortunately, in recent years, the majority of the petitioners on the issue regarding the Moroccan provinces of the south did not seem to come from the area and had no links to the Territory, unlike other petitioners on other Non-Self-Governing Territories. He said the issue of Western Sahara had reached a delicate stage, and statements by petitioners could complicate matters. More tranquillity was needed until the Secretary-General's Personal Envoy, James Baker III, had completed his mission. He requested the Secretariat to provide justification for the appearance of the petitioners.

62. The representative from Algeria expressed disquiet about the statement of the representative of Morocco. He said that, over the years, petitioners had appeared before the Committee to share their knowledge of issues. He further added that it would be very harmful if the right of petitioners to appear before the Committee were violated.

63. At its 5th meeting, on 9 October 1998, the Fourth Committee heard two petitioners on matters relating to the situation in Western Sahara. Michael Bhatia, research assistant at Brown University's Thomas Watson Jr. Institute of International Studies, said the core weaknesses in the MINURSO mandate, force structure and timetable, still remained. For an operation mandated to supervise the governance of a territory and the demobilization and cantonment of approximately 200,000 troops, the mandated deployment of 2,800 civilian and military personnel was woefully inadequate. Moreover, neither the military observers nor the civilian police were in a position to directly ensure conditions of security. Rather they had only provided a monitoring role.

64. Furthermore, he stated that the renewed hopes following the Houston agreements, which had been concluded between the Frente POLISARIO and the Government of Morocco in September 1997 and had allowed resumption of the identification process, had proved futile. After a summer of dashed hopes and continued frustration, it had become clear that the resumption of high-level direct negotiations would be required to put the process back on track. Because a mechanism had not been created for the resolution of disagreements, problem solving was either separately addressed with the United Nations or allowed to intensify until high-level negotiations became an acute necessity. He suggested instead the creation of a joint monitoring cell for Western Sahara, which would directly involve the associated regional and international powers, in order to monitor compliance and symbolize the continued attention of the international community.

65. He said that, given the weaknesses of both the negotiation process and the peacekeeping force, it was necessary to evaluate their implications for the return of the Saharan refugees from the Tindouf camps to Western Sahara. That would be the true test of whether peace would truly hold or whether conflict would acquire a darker character. The international community's role and responsibilities should not end with the holding of the referendum, yet the referendum had been viewed by the States as their sole exit strategy.

66. Finally, he said that the United Nations-monitored ceasefire allowed the Moroccan authorities to consolidate their presence and cohesively begin to alter the demographic character of the Territory. That trend and the current conditions within the Moroccan-controlled western portion of the Territory necessitated a cautious response to the repatriation programme sponsored by UNHCR. Neither MINURSO nor UNHCR had freedom of movement within the Territory, which severely limited knowledge of the conditions. The repatriation of the Saharan refugees could not be viewed as an independent component of the peace plan to be mechanically implemented at the directed time, without regard to the conditions in the Territory.

67. The representative of Morocco, referring to Mr. Bhatia's statement, said it was clear to those who had real knowledge of the situation in Western Sahara that the Committee had just heard an indictment, rather than a constructive statement on that situation. The petitioner had criticized the ceasefire, which the General Assembly, the Secretary-General and the international community had said

from the beginning was the area that had shown the most improvement. The representative of Morocco stated that the petitioner had also criticized the settlement programme. Had the petitioner read paragraph 1 of the report of the Identification Commission? True, it did say that the parties would not present the three contested tribes, other than those identified in the census. However, the paragraph went on to say that the parties would not prevent those individuals from presenting themselves. The parties had agreed that once individuals came forth, they would be identified. That was what had happened, as noted in the reports of the Secretary-General. The petitioner had questioned the matter of repatriation, the Moroccan representative said. Morocco had been one of the first parties to ask for repatriation on the basis of free will. How could one now reasonably reproach a State for having an orderly public service and criticize its law enforcement, which had been very useful? The petitioner's statement was evidence of his Government's contention that petitioners who had nothing to do with the issue had no place in the debate.

68. Mr. Bhatia replied that the key point was transparency, which meant that actors outside the Territory who had researched, visited and were interested in the area were important in ensuring that all parties remained true to the Houston agreements. Besides, he continued, the Moroccan delegate's questions were largely rhetorical. The Moroccan representative then asked why the petitioner had limited himself to the first part of the Houston agreements. His questions had been specific and not rhetorical, but he would not press the matter if the petitioner had no answer. Mr. Bhatia said that the key question regarding identification was whether those presenting themselves were being sponsored by the Government of Morocco.

69. A second perspective was offered by petitioner Boukhari Ahmed, a representative of the Frente POLISARIO. He stated that in contrast to the paralysis of the previous years, significant progress had been made towards the holding of a referendum of self-determination in Western Sahara. The Houston agreements, negotiated between the Frente POLISARIO and the Government of Morocco, had solved the major problems that had been impeding the progress in the implementation of the 1988 joint United Nations/Organization of African Unity peace plan. Those agreements had resolved the problem of identification of the electoral body for the referendum.

70. He further stated that the original peace plan approved by the Security Council in 1990–1991 had established that the electoral body for the referendum would be determined on the basis of an updated 1974 Spanish census. With the aim of attempting to falsify the referendum, Morocco had imposed on the United Nations the adoption of a retroactive approach to encompass Moroccan populations of alleged Saharan origin. That claim had been the main reason for the unnecessary delays in the implementation of the peace process. Clearly Morocco's official demands were in violation of the Houston agreements.

71. He said that the many obstacles were designed to prevent the holding of a free and fair referendum through a "war of attrition" against the will and the resources of the international community. The Saharan people's faith in the determination of the United Nations remained intact, and they looked to the Organization to help resolve the "anachronistic and unfair" conflict peacefully. The domestic pretexts so frequently resorted to by Morocco must not continue to overshadow the international interest and challenge the consensus achieved by the Security Council and the General Assembly.

72. At the 6th meeting of the Committee, on 12 October 1998, the Permanent Representative of Morocco said that although tribal groups in Western Sahara were recognized by the United Nations and should have been recognized in the 1974 census, the other party to the conflict had refused for years to accept or resolve that problem. Morocco hoped that progress would be made through a referendum held in accordance with the Houston agreements, but the other side rejected such initiatives. UNHCR should protect Saharan refugees, who made up one third of Western Sahara's population and were kept in camps by force.

73. Regarding his country's position on MINURSO, he said Morocco had already contributed millions of dollars to help MINURSO carry out its mission to facilitate peace. With regard to demining, Morocco continued its cooperation to fulfil without discrimination its obligations, as spelled out in the Houston agreements.

74. At the 7th meeting of the Committee, on 13 October 1998, the Chairman drew the Committee's attention to the draft resolution on Western Sahara (A/C.4/53/L.4). The Permanent Representative of Morocco said that his country did not consider that the question of Western Sahara came within the remit of the Special Committee, in particular since the Security Council had taken up the matter. He welcomed the progress that had been made, but regretted the numerous obstacles that had been created by the other party, particularly the constraints to which refugees in the Hamada camps were subjected. He was afraid that the other party might exploit the repatriation operation in order to keep those refugees under its control and influence, and that it would continue to demonstrate the bad faith and lack of goodwill which had hitherto characterized its attitude.

Despite the years that had been lost as a result of the other party's procrastination, Morocco had not despaired and would continue to cooperate fully with the Secretary-General, his Special Representative and his Personal Envoy.

75. The draft resolution concerning Western Sahara was adopted without a vote.

76. At the 15th meeting of the Committee, on 3 November 1998, the representative of Algeria said his country had always expressed a desire and willingness to cooperate in international peacekeeping. Its troops had participated in the mission in Cambodia and had sent military observers to Angola, as well as civilian police to Haiti. But most importantly, Algeria was at present involved in MINURSO. The United Nations Secretariat, especially the Department of Peacekeeping Operations, was aware of the size of Algeria's contribution towards the success of that Mission since its deployment in 1991.

77. He further stated that Algeria was preparing to sign an agreement with the United Nations on the placement of peacekeeping troops in the northern part of its territory adjacent to Western Sahara. There remained many steps for the United Nations to take in order to transcend the many obstacles standing in the way of a political resolution to be adopted by the Security Council on the issue of Western Sahara.

78. On 3 December 1998, on the recommendation of the Fourth Committee, the General Assembly adopted, without a vote, resolution 53/64 entitled "Question of Western Sahara", the operative part which reads:

> "1. *Takes note* of the report of the Secretary-General;
>
> "2. *Again notes with satisfaction* the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro for the implementation of the settlement plan 1 during their private direct talks under the auspices of James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and in good faith;
>
> "3. *Commends* the Secretary-General and his Personal Envoy for their efforts in reaching these agreements as well as the two parties for the cooperation they have shown, and urges them to continue this cooperation in order to facilitate the speedy implementation of the settlement plan;
>
> "4. *Urges* the two parties to continue their cooperation with the Secretary-General and his Personal Envoy, as well as with his Special Representative, and to refrain from undertaking anything that would undermine the implementation of the settlement plan and the agreements reached for its implementation;
>
> "5. *Notes with satisfaction* the progress achieved in connection with the implementation of the settlement plan, and in this respect calls upon the two parties to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan;
>
> "6. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;
>
> "7. *Reiterates its support* for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council approved the settlement plan for Western Sahara;
>
> "8. *Takes note* of Security Council resolutions 1131 (1997) and 1198 (1998);
>
> "9. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the General Assembly at its fifty-fourth session;
>
> "10. *Invites* the Secretary-General to submit to the General Assembly at its fifty-fourth session a report on the implementation of the present resolution."

V. Other developments

79. On 23 March 1999, the Commission on Human Rights reviewed the role and activities of the Office of the United Nations High Commissioner for Human Rights. Regarding the question of Western Sahara, before the Commission was a written statement (E/CN.4/1999/NGO/59) submitted by the Federation of Associations for the Defence and Promotion of Human Rights on the right of peoples to self-

determination, which dealt with the implementation of the "peace plan" in Western Sahara.

80. On 23 April 1999, the Commission on Human Rights adopted by consensus resolution 1999/4 on the question of Western Sahara, the operative part of which reads:

"1. *Takes note* of the report of the Secretary General (A/53/368);

"2. *Again notes with satisfaction* the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro for the implementation of the settlement plan during their private direct talks under the auspices of James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and in good faith;

"3. *Commends* the Secretary-General and his Personal Envoy for their efforts in reaching these agreements, as well as the two parties for the cooperation they have shown, and urges them to continue this cooperation in order to facilitate the speedy implementation of the settlement plan;

"4. *Urges* the two parties to continue their cooperation with the Secretary-General and his Personal Envoy, as well as with his Special Representative, and to refrain from undertaking anything that would undermine the implementation of the settlement plan and the agreements reached for its implementation;

"5. *Notes with satisfaction* the progress achieved in connection with the implementation of the settlement plan, and in this respect calls upon the two parties to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan;

"6. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

"7. *Reiterates its support* for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council approved the settlement plan for Western Sahara;

"8. *Takes note* of Security Council resolutions 1131 (1997) and 1198 (1998);

"9. *Also notes* that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the Assembly at its fifty-fourth session;

"10. *Further notes* that the General Assembly has invited the Secretary-General to submit to it at its fifty-fourth session a report on the implementation of the present resolution."